

IN THE UNITED STATES DISTRICT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE TREMONT SECURITIES LAW,  
STATE LAW AND INSURANCE  
LITIGATION

Master File No.:  
08 Civ. 11117-TPG

This Document Relates to:  
1:09-cv-8570-TPG

**NOTICE OF VOLUNTARY DISMISSAL**

By letter filed with this Court on September 14, 2011 (“September 14 Letter”), the Tremont Defendants represented that the plaintiff in the above-captioned action, Family Swimmers Limited Partnership (“Family Swimmers”), was continuing to litigate this action because it either was not a member of the settlement class certified by this Court on August 19, 2011 (“Settlement Class”), or had opted out of the settlement. This is incorrect. Family Swimmers intends to participate fully as a member of the Settlement Class.

To avoid any confusion raised by the September 14 Letter, pursuant to Fed. R. Civ. P. 41(a)(1), Family Swimmers hereby voluntarily dismisses all claims asserted in the action originally filed on April 1, 2009 in the Superior Court of Massachusetts, Suffolk County at docket number 09-1346-BLS; subsequently removed to the United States District Court for the District of Massachusetts at Docket Number 1:09-cv-10784-JLT; and subsequently consolidated before this Court under the above caption against Defendants Rye Select Broad Market Fund, L.P., Tremont Partners, Inc., Tremont Group Holdings, Inc., Oppenheimer Acquisition Corporation, MassMutual Holding LLC, Massachusetts Mutual Life Insurance Company, Robert Ivan Schulman, Steven Thomas Clayton, Lynn O. Keeshan, Rupert Andrew Allan, Harry Hodges, Sandra Manzke, and Susan Hammond.

This notice of voluntary dismissal is made before any opposing party served their answer or a motion for summary judgment.

Family Swimmers, however, reserves all rights as a member of the Settlement Class, and nothing in this Voluntary Dismissal should be construed as a waiver of any of those rights.

Dated: October 20, 2011

Respectfully submitted,

**BERMAN DEVALERIO**

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